IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Dhanraj Vs. State of Rajasthan

S.B.CR. REVISION PETITION NO.439/2007

DATE OF ORDER :: August 09, 2007

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.Sudhir Saruparia, for the petitioner.

BY THE COURT:

By the instant criminal revision petition under section 397 read with section 401 Cr.P.C., the petitioner has challenged the order dt. 5.2.2007 passed by the Additional Sessions Judge, Gulabpura, Distt. Bhilwara (for short `the appellate court' hereinafter) whereby the appeal filed by the petitioner against the judgment and order dt. 29.10.2003 passed by the Additional Chief Judicial Magistrate, Gulabpura (for short `the trial court' hereinafter), was dismissed.

I have heard learned counsel for the petitioner and the

Public Prosecutor for the State. Perused the order of the trial court as well as of the appellate court.

On careful perusal of the order passed by both the courts below, in my view, the prosecution succeeded in proving the case against the petitioner for the offence under section 452 I.P.C. beyond reasonable doubt. Both the courts below concurrently found the petitioner guilty and convicted him. However, instead of sentencing him at once to any imprisonment, he was released on probation under section 4 of the Probation of Offenders Act, 1958. In my view the order impugned calls for no interference. The same is based on proper and sound appreciation of the evidence.

The revision petition is, therefore, dismissed.

[H.R.PANWAR],J.

m.asif/-